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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of	FEDERAL COMMENT 1996				
Amendment of Section 73.202(b)) MM 1	Docket No. E OF SECRETA	· •		
(Table of Allotments)) RM- _		OMMISSIA.		
FM Broadcast Stations)		· · · · · · · · · · · · · · · · · · ·		
)				
Tullahoma, Tennessee and)				
Madison, Alabama)				
To: Chief Mass Media Rureau	DOCKE	T FILE COPY ORIGINA	T.		

PETITION FOR RULE MAKING

Tennessee Valley Radio, Inc. ("TVRI"), licensee of radio station WPZM(FM),

Tullahoma, Tennessee, by its attorneys and pursuant to Section 1.420(i) of the Rules and

Regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby

respectfully requests the Commission to amend Section 73.202(b) of the Rules to (a) delete

Channel 227C1 from Tullahoma, Tennessee, add Channel 227C1 to Madison, Alabama, (b)

modify the license for WPZM(FM) to specify Madison, Alabama as the station's community of

license and (c) allot Channel 296A at Tullahoma, TN. In support whereof, the following is

shown:

TVRI is the licensee of radio station WPZM(FM), Tullahoma, Tennessee.
 WPZM is licensed to operate on Channel 227C1. Pursuant to Section 1.420(i) of the Rules,
 TVRI seeks to modify its license so as to specify Madison, Alabama as its community of license.

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Section 1.420(i) authorizes the Commission to make such a modification where the amended allotment would be mutually exclusive with the licensee's present allotment.

- 2. Two factors must be demonstrated in order to change a station's community of license: (1) the channel changes must be mutually exclusive; and (2) the modification must not deprive a community of its only local transmission service. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). TVRI's proposal is consistent with these factors.
- 3. As the Engineering Report attached hereto reflects, WPZM proposes to continue to operate on existing Channel 227C1 Channel and the proposal is mutually exclusive with WPZM's currently licensed facility. Currently there are two radio stations licensed to Tullahoma and one radio station licensed to Madison. Tullahoma stations include Station WPZM(FM) and Station WJIG(AM). Madison is licensed an AM Station WUMP(AM). Moreover, as demonstrated infra, Class A FM Channel 296 is available for allotment to Tullahoma.
- 4. Madison is clearly in need of its first local FM facility. Madison had a 1990 population of 14,904. Since 1990, the population of Madison has grown rapidly. U. S. Department of Commerce estimates a growth of 27% from 1990 to a 1994 population of 20,241. Consistent with this level of growth, the City of Madison Industrial Development Board states the 1995 population of Madison to be approximately 22,000, showing continuing rapid growth. If

In comparison, the U. S. Census data for Tullahoma shows a gain of only 984 individuals from a 1990 population of 16,761 to 1994 estimate of population of 17,745, a gain of 5%. Population Distribution and Population Estimates Branches, U.S. Bureau of Census, Press Release CB95-179, 10-2-95.

The City expects the population to reach 28,708 by the year 2000. Source: City of Madison, community Development Department; Equifax National Decision Systems.²

- 5. Madison is an incorporated city with its own full-time mayor and a five-member city council. Madison has its own police and fire departments, and its own water and sewage services. Madison has two weekly newspapers, The Madison Globe and the Madison County Record.
- 6. In addition, Madison has its own school system, with three elementary schools, two middle schools, and one high school. Source: Madison County Board of Education.

 Madison has a number of its own commercial establishments which would be expected for a city of roughly 20,000. In addition, the following are major employers in Madison (all of which are located within the Madison city limits): Century Fasteners; Cox Corporation; Bruno Incorporated; Excellance; Halsey Grocery; Intergraph; Label Aid; Kroger; Madison Books and Computers; Rapair; Sea Wire & Cable; Sherman International; and Texport. Source: City of Madison Revenue Department. Retail sales in Madison totaled \$157,562,650 in 1995. Source: City of Madison Revenue Department; Equifax National Decision Systems.
- 7. In changing its city of license, WPZM proposes neither a gain nor loss in service. No modification to the WPZM facilities is necessary to effect the change in community of license. Accordingly, TVRI's proposal will not deprive Tullahoma of its only local transmission service and the Tullahoma area has a plethora of radio service. Moreover, the Technical Exhibit demonstrates that a new Class A FM channel can be allotted to Tullahoma to provide added local FM service.

From 1980 to 1990, Madison grew by 267.4%. Thus, Madison has a history of growth which is continuing.

- 8. The attached Engineering Report demonstrates that with WPZM's <u>current</u> facilities, its 70 dBu signal encompasses the entire Huntsville Urbanized Area. Reallotment of WPZM to Madison will not alter the station's coverage of the Huntsville Urbanized Area. Recently, the Commission considered the case of a station proposing to change its community of license to a community located close to an Urbanized Area. Georgetown and Garden City, South Carolina, Notice of Proposed Rule Making, MM Docket No. 96-196, RM-8878 (released September 20, 1996). The station in question already was providing a 70 dBu signal over the entire Urbanized Area in question. The Commission held, therefore, that the station was not "moving into" the Urbanized Area, and that the applicant was not required to submit the usually required analysis of whether the proposed community is independent form the larger metropolitan city.³⁷
- 9. TVRI's proposal is consistent with this precedent. WPZM presently provides a 70 dBu signal over the entire Huntsville Urbanized Area. Under TVRI's proposal, WPZM will continue to provide the entire Huntsville Urbanized Area with a 70 dBu signal. Accordingly, TVRI is not proposing to move WPZM's signal into the Huntsville Urbanized Area, and its proposal can be granted under Georgetown and Garden City, South Carolina without having to submit a Tuck analysis.
- 10. As stated above, Madison has its own sizable population of over 20,000, which is separate from Huntsville's population of 159,789. Madison is not included in the Huntsville Urbanized Area, a determination which is made by the U.S. Census Bureau based upon

When evaluating the independence of a community, the Commission looks to the following factors: (1) population coverage to the proposed suburban community and to the Urbanized Area; (2) size of the suburban community versus size of the Urbanized Area; and (3) the interdependence of the suburban community and the Urbanized Area. See Faye & Richard Tuck, 3 FCC Rcd 5374 (1988) ("Tuck").

population groupings. Accordingly, even if an analysis under <u>Tuck</u> were required, it is clear that Madison is a separate, independent community, and not interdependent on Huntsville.

- assignment of FM channels. The FM priorities are (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982). In proceedings to change the community of license of an FM station, the Commission considers the availability of both FM and AM services in the relevant communities. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 (1990). As noted above, both Tullahoma and Madison already have local service. Accordingly, the Commission must consider other public interest factors to determine which community would be better-served by the FM allotment.
- 12. The Commission's comparison of public interest matters can take into account such factors as the relative size of the proposed communities and their growth rates. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92, fn. 8 (1982). As explained in paragraph 4 supra, Madison experienced a population surge of 27% from 1990 to 1994, whereas the population of Tullahoma grew by only 5% during the same time period. Madison is now a significantly larger community than Tullahoma, and it appears that the growth of Madison will continue. Accordingly, the public interest would be well-served by providing Madison with its first local FM service. Moreover, as noted in paragraph 6 supra and in the attached Technical

exhibit, a new FM channel can be allotted to Tullahoma. Therefore, Tullahoma need not be deprived of local FM service in order to provide Madison with its first local FM service.

13. If the Commission grants the petition for allotment of Channel 227C1 to Madison, TVRI will promptly file an application for minor change and, if granted, will construct and will operate WPZM at Madison with the facilities reflected in the Engineering Report attached hereto in Exhibit 1.

For reasons set forth above, the public interest would be served by the foregoing proposal, and accordingly the Commission is respectfully requested to (a) issue a notice of proposed rule making to reallot Channel 227C1 from Tullahoma, TN, to Madison, AL, and (b) issue appropriate show cause orders to modify the license of station WPZM(FM).

Respectfully submitted,

TENNESSEE VALLEY RADIO, INC.

By:

M. Scott Johnson, Esquire

By:

Lauren S. Drake, Esquire

Its Attorneys

Gardner, Carton & Douglas 1301 K Street, N.W. Suite 900 East Tower Washington, DC 20005 (202) 408-7100

Date: October 3, 1996

EXHIBIT 1

ENGINEERING STATEMENT OF BEHALF OF WPZM RADIO TULLAHOMA, TENNESSEE

This engineering statement has been prepared on behalf of Tennessee Valley Radio Inc. in support of the assignment of 227 C-1 from Tullahoma, Tennessee, to Madison, Alabama. This channel can be reassigned from Tullahoma, TN, to Madison, AL, in full compliance with the minimum distance separation required between stations in Rule 73.207 with the deletion of Channel 227 C-1 in Tullahoma, TN.

This assignment can be made with no change in transmitter sites as can be seen in Exhibit 1. Exhibit 1 is a map prepared using TECH NOTE 101 METHODOLOGY and is sometimes referred to as the Longley-Rice Method. Using this method of calculating the distance of the 70 dBu contour, it is quite obvious from Exhibit 1 that the city grade contour of 70 dBu's goes beyond the city limits of Madison.

Tennessee Valley Radio Inc. is prepared to make an application to switch WPZM from Tullahoma, TN, to Madison,

AL. This change in facilities can be made in less than 60 days once the new assignment is made. An allocation study has been prepared as Exhibit 2 which sets forth all of the channels involved in the reassigning of Channel 227 C-1 from Tullahoma, TN, to Madison, AL.

Madison, AL, is one of the fastest growing cities in the state of Alabama. The 1994 population was over 20,000 people. The estimated 1995 population is in excess of 22,000 people. At the present time, Madison is served by a daytime only AM station operating a 7:30 on the dial with very limited nighttime coverage. If this Channel 227 C-1 is assigned to Madison, it will give Madison a service which it deserves.

Since there will be no change in transmitter site, Tullahoma will not be losing any service because no signal levels will change in the Tullahoma area. Tullahoma can be granted a new Class A FM station on Channel 296 A. At the present time, Tullahoma has assigned it Channel 227 C-1 and the AM station operating on 740 khz daytime and with limited nighttime power.

This proposal will simply add service to Tullahoma since it will have a new service on Channel 296 A. Exhibit 3 is a detailed analysis of the distance to the 70 dBu contour using the Longley-Rice Method in the direction of Madison from the current WPZM antenna site. This study was done at one degree intervals and is tabulated at ten degrees southeast of the city to ten degrees northeast of the city. As can be seen from these tabulation studies, the 70 dBu contour will encompass the entire city of Madison, AL. WPZM currently provides a 70 dBu signal to the entire Huntsville Urbanized Area.

Exhibit 4 is a computer generated map which shows where Channel 296 A can be allocated and still put a city grade contour over Tullahoma, TN, and provide the minimum spacing requirements required by Rule 73.207.

Exhibit 5 is a map which illustrates a 70 dBu contour for Tullahoma's proposed Channel 296 A. From this exhibit it can be determined that a large area exists where this channel can be allotted to Tullahoma and still meet the mileage separation requirements.

Exhibit 6 is a computer analysis of the use of this channel from hypothetical coordinates used in the above exhibit. This exhibit shows that the separation requirements of 73.207 are met.

We therefore request that the Commission institute a rulemaking to reassign Channel 227 C-1 from Tullahoma, TN, to Madison, AL. This proposal meets all of the technical requirements of the rules and complies with all the mileage separations as required.

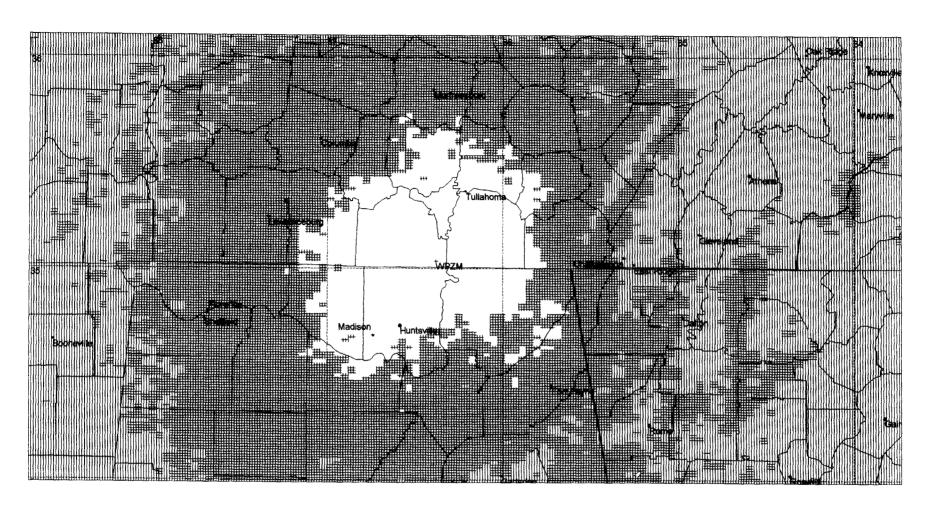
This technical engineering exhibit has been prepared by Olvie E. Sisk, or under his direct supervision. Olvie E. Sisk's qualifications are a matter of record with the Federal Communications Commission, having submitted numerous exhibits involving antenna impedance measurements, directional antenna proofs, and exhibits dealing with allocation studies, resulting in grants for non-directional and directional standard broadcast, FM, and TV facilities.

Olvie E. Sisk

Sisk Engineering Inc.

Paine E. Sish

September 24, 1996



Copyright (c) 1996 SISK ENGINEERING INC.

 Scale 1:2000000 NBS 101 Svc K=1.33
 50 Km

 — County Borders
 State Borders
 Lat-Lon Grids

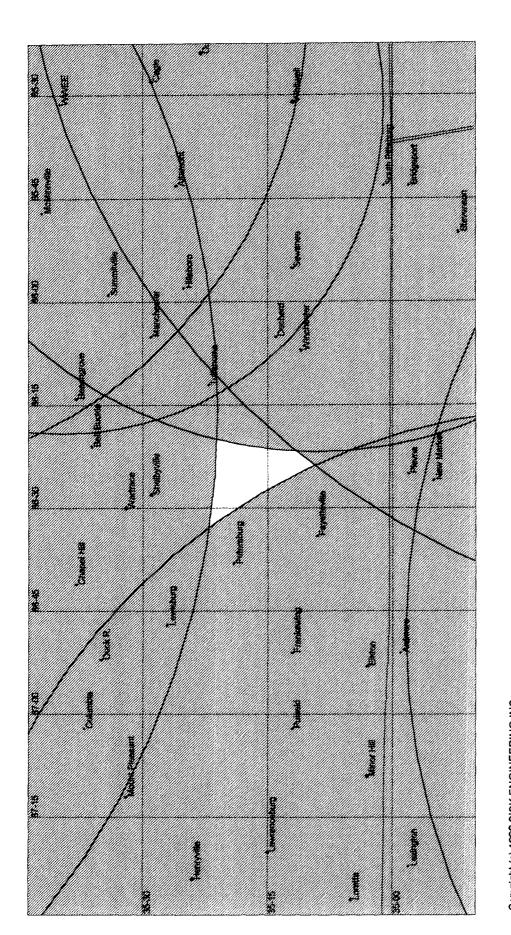
 120 - 71 dBu
 ■ 70 - 31 dBu
 ■ 30 - -19 dBu
 ■ -20 - -29 dBu
 ■ -30 - -49 dBu
 ■ <-50 dBu</td>

GENE SISK - SISK ENGINEERING HWY. 25 S. - RADIO BUILDING - FULTON MS 38843

35	EFERENCE 02 04 N 22 52 W				rule	SS C1 es spac - 93.1	cings 3 MHz -		DATA	09-03-9 09-26-9	96
_	CALL	CH#	CITY			STATE	BEAR'	D-KM	R-KM	MARGII	V
	WPZM	227C1	Tullahoma			TN	0.0	0.00	245.0	-245.00	*
	WGMZ	226A	Glencoe			ΑL	158.3	128.97	133.0	-4.03	*
	WSYE	227C	Houston			MS	238.2	270.11	270.0	0.11	<
	WCRQFM	224A	Arab			AL	184.1	76.03	75.0	1.03	<
	WCRQFM	224A	Arab			AL	184.1	76.03	75.0	1.03	<
	WCRQFM	224A	Arab			AL	184.0	76.08	75.0	1.08	<
	WDNS.C	227C3	Bowling Gree	n		KY	3.1	212.21	211.0	1.21	<
	WFIX	230A	Rogersville			AL	258.5	94.54	75.0	19.54	
	WVFJFM	227C	Manchester			GA	146.2	292.24	270.0	22.24	
	WDNS	227A	Bowling Gree	n		KY	0.4	223.18	200.0	23.18	
	WJXA	225C	Nashville			TN	336.2	131.75	105.0	26.75	
	WBINFM	226A	Benton			TN	83.9	159.91	133.0	26.91	
	WKWX	228A	Savannah			TN	279.7	165.13	133.0	32.13	
	WMPZ	229A	Ringgold			GA	97.8	111.32	75.0	36.32	
	WLJAFM	228A	Ellijay			GA	101.7	174.33	133.0	41.33	

DISTANCE TO THE 70 DBU CONTOUR BASED UPON THE LONGLEY-RICE METHOLOGY

DEGREES	KILOMETERS			
210	53.11			
211	53.14			
212	49.11			
213	49.00			
214	56.00			
215	56.04			
216	55.66			
217	59.77			
218	57.77			
219	59.88			
220	60.29			
221	60.68			
222	60.32			
223	56.76			
224	51.44			
225	51.87			
226	53.15			
227	55.12			
228	55.78			
229	52.43			
230	54.41			



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Scale 1:840000

State Borders Lat-Lon Grids

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REFERENCE 35 20 40 N 86 20 10 W	CLASS A Current rules spacings CHANNEL 296 -107.1 MHz					DISPLAY DATES DATA 09-03-96 SEARCH 09-26-96			
CALL	СН#	CITY			STATE	BEAR'	D-KM	R-KM	MARGIN
WSKZ WBLG WTSHFM	296C2	Chattand Smiths (Frove	· ·	TN KY GA	102.3 2.4 134.4	94.82 166.43 173.24	166.0	-0.18 * 0.43 < 7.24
~	295C2 298C1	Spencer Florence Monterey Lebanon Birmingh	7		TN AL TN TN AL	64.3 239.4 48.9 337.9 191.7	82.00 146.28 130.94 110.09 210.22	133.0 106.0 75.0	10.00 13.28 24.94 35.09 45.22

